

Notice of Allowability

Application No.

09/849,843

Applicant(s)

NOYES ET AL

Examiner

Charles I. Boyer

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicants' amendment and response received March 29, 2005.
2. ☒ The allowed claim(s) is/are 1-12 and 14-34.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

**CHARLES BOYER
PRIMARY EXAMINER**

Charles Boyer

Allowable Subject Matter

Applicants have claimed a method for cleaning fabric articles in a laundering apparatus, said method comprising the steps of:

- a) uniformly applying to the fabric articles a quantity of cleaning fluid from about 20% by dry weight of the fabric articles up to the absorption capacity of the fabric articles, wherein said cleaning fluid comprises a lipophilic fluid and an adjunct, said lipophilic fluid is selected from the group consisting of octamethylcyclo-tetrasiloxane, decamethylcyclopentasiloxane, dodecamethylcyclohexasiloxane, and mixtures thereof: and
 - b) mechanically removing said applied quantity of cleaning fluid from said fabric articles such that the quantity of cleaning fluid remaining on said fabric articles after the removing step is from about 20% to about 100% by dry weight of the fabric articles;
- wherein said method is a non-immersive method containing essentially no free cleaning fluid.

The closest prior art of Kilgour et al, US 6,310,029 teaches a cleaning process whereby at least a portion of an article is contacted with a composition comprising decamethylcyclopentasiloxane solvent, water, and additional siloxane solvent and the composition is removed by blotting or centrifugation (col. 7, example 63 and col. 10, claims 1-10). Note that the articles to be cleaned may be contacted with the composition by spraying, brushing, or rubbing (col. 5, lines 11-17).

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Applicants have argued that first, there is no disclosure in Kilgour et al. of the amount of cleaning fluid contacting the fabric article, specifically, there is no disclosure of amount of cleaning fluid based on the absorptive capacity of the fabric articles. Second, Kilgour et al. discloses (1) a process for applying the cleaning composition to a localized area (e.g., a stained area) and removing it by blotting (Col. 5, lines 11-17 and claims 2 and 3) and (2) an immersive cleaning process wherein the article is immersed in a cleaning composition (Col. 5, lines 18-20 and claims 4 and 5). To a person of ordinary skill in the art, the first embodiment of Kilgour et al. is directed to a spot pretreatment process in which the cleaning composition is applied sparingly to the stained area. In contrast, the presently claimed invention is directed to a uniform application of the cleaning fluid to a fabric article up to the absorptive capacity of the fabric articles. Moreover, the second embodiment of Kilgour et al. is directed to an immersive process, which would employ an excess amount of free fluids to a wash bath in order to immerse the fabric articles. In contrast, the presently claimed invention is directed to a non-immersive process, which contains essentially no free fluids.


This argument is found to be persuasive and so the present claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I. Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-F 9:30 to 6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571 272 1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Charles I Boyer
Primary Examiner
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